

REMARKS

This Response is submitted in reply to the Final Office Action dated May 21, 2010. Claims 1 to 5, 29 and 34 to 36 were allowed. Claims 1 to 3, 5, 13, 14, 16, 29 and 34 to 36 have been amended for clarity. No new matter has been added by these amendments. Claim 17 has been cancelled without prejudice or disclaimer. Claims 6 to 12, 18 to 28 and 30 to 33 were previously cancelled. A Request for Continued Examination and a Supplemental Information Disclosure Statement are submitted herewith. Please charge deposit account number 02-1818 for any fees associated with this Request for Continued Examination, this Supplemental Information Disclosure Statement and this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Applicant requests that the Examiner allow the application or provide an upcoming Office Action which will “. . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable” in accordance with §707.07(d) of the MPEP.

The Office Action rejected Claims 13 to 17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,370,399 to Liverance in view of U.S. Patent No. 5,560,603 to Seelig et al. (“Seelig”).

Liverance discloses an incentive producing apparatus having a symbol displaying device, a player actuated device for changing the symbols on the displaying device, an accounting device for recording the changes in symbol displays caused by the operation of the player actuated device, and a processor responsive to the manner in which the player operates the device in such a way that the device responds to player input in the form of response time relative to the time of day or calendar time in order to adjust the operation of the apparatus to automatically, continually, proportionally, and subtly increase or decrease the difficulty of operation to maintain the incentive of the player to continue to operate the apparatus.

Specifically, column 2, lines 5 to 18 of Liverance discloses:

[t]he present invention relates to slot machines and other machines for playing various types of computer and arcade games wherein a determinable parameter in the player's behavior can be sensed by

the apparatus and used to modify machine operation in such a way as to stimulate the interest of the player in continuing to play the machine. For example, in a slot machine game, determination of the score and/or response time in inserting tokens or coins into the machine, or in pulling the actuating handle of the machine can be used to change the amount of reward given by the machine so as to maintain or increase the motivation of the player to operate the machine.

Additionally, column 3, line 57 to column 4, line 21 of Liverance discloses:

[t]he unique nature of this invention is characterized by the use of a special timing circuit which operates with the processor to determine the player's behavior in the response time or frequency with which he or she inserts a coin or pulls the actuation handle. This timing circuit can also be used to determine other variable parameters such as time of day, calendar time such as day of the week, season of the year and holiday periods which may affect a player's incentive to play. All of these parameters are used by the processor in determining the magnitude of the incentive of the player to continue to operate the machine. In the video reflex action and arcade games, this INCENTIVE VALUE can be determined on the basis of player response time and score, as well as time of day, calendar time, or other parameters. In an education game, reward level determined from the accuracy of correctly answered questions within a certain time period can be used. The processor then decides of the current player's incentive to continue playing has increased or decreased since the last play. If it has been determined that the player's incentive level has decreased, the machine pays but a slightly higher reward this play to entice the player to continue to operate the machine. It makes this determination of the player's incentive based on a compilation of the aforementioned parameters and forms a value representing the incentive of the player. If the INCENTIVE VALUE is lower this play than in the previous play, the player's incentive is said to have lessened. Conversely, if the new INCENTIVE VALUE is higher than in the last play, the player's incentive is said to have increased and he will probably continue to operate the game.

Seelig discloses a gaming system including one or more slot machines associated with a racing display wherein the racing elements are not racing against each other. Rather, a clock of Seelig is included and each racing element is racing against the clock, independently of the other racing elements.

Specifically, column 1, lines 25 to 35 of Seelig discloses:

Applicants' prior application describes a system wherein a plurality of slot machines may be combined together with a large, overhead racing display which carries a number of racing elements such as automobiles, horses or the like. Each time one of the slot machines wins or each time the handle is pulled or a coin is played, the respective racing element is moved a predetermined distance. Whichever horse or other racing element wins the race, the player at that slot machine is awarded a bonus. The primary purpose of the invention described in the prior invention is to encourage competition between slot players.

column 3, lines 40 to 55 of Seelig discloses:

[e]ach time a particular predetermined combination of indicia appears in the display 18, a signal is generated which advances the racing element 22 through a particular predetermined distance. Different combinations of the indicia on the wheels 18 could, of course, be selected to move the racing element through different distances. Preferably, the particular combination of indicia on the wheels in display 18 that provides the player with a monetary payment is not a combination which moves the racing element 22. Conversely, the particular preselected combination of indicia that moves the racing element 22 preferably does not provide the player with a monetary payment. This adds excitement and interest to continuing the play of the game since a player has an opportunity to win his race even if the slot machine does not pay during any particular pull of the handle 14.

Applicant respectfully submits that while Liverance enables a player to wager a plurality of coins to play a plurality of paylines and determines an outcome for each played payline, such multi-coin wagering is for one play of a game. That is, Liverance enables the player to wager on one game at a time and Liverance does not receive payment for a predetermined number of at least three distinct plays of a game.

Applicant further submits that, as acknowledged in the Office Action, Liverance does not include displaying a racing object having a position. Specifically, while Liverance adjusts the difficulty of the game in response to a player's level of performance (i.e., score and response time), Liverance does not disclose displaying a racing object having a position which changes based on the calculated speed of game play, the calculated speed of game play being based on a number of plays of the game per unit of time.

Seelig does not cure these deficiencies of Liverance.

Similar to Liverance, Seelig enables the player to wager on one game at a time and thus Seelig does not disclose receiving payment for a predetermined number of at least three distinct plays of a game.

Additionally, while the Background of the Invention of Seelig discloses that "each time one of the slot machines wins or each time the handle is pulled or a coin is played, the respective racing element is moved a predetermined distance", this movement is not based on a calculated speed of play for each individual play of the game. In other words, while the quicker a player of Seelig pulls the handle or plays a coin, the quicker the respective racing element of Seelig is moved, the respective racing element of Seelig does not move based on a calculated speed of game play and certainly does not move based on a calculated speed of game play for each play of the predetermined number of plays of the game.

Moreover, as described above, the detailed description of Seelig discloses that the racing elements of Seelig move based on different combinations of indicia being generated during the play of the rotating wheel slot machine game.

Accordingly, the combination of Liverance and Seelig does not disclose or render obvious (without the benefit of improper hindsight reconstruction) receiving payment for a predetermined number of at least three distinct plays of a game, calculating a speed of game play for each of the plurality of predetermined number of plays of the game, the calculated speed of game play being based on a number of plays of the game per unit of time, for each of the predetermined number of plays of the game, generating a slot machine outcome, and displaying a racing object having a position which changes based on the calculated speed of game play. On the other hand, the method of operating a gaming system of amended independent Claim 13 includes, amongst other elements, receiving payment for a predetermined number of at least three distinct plays of a game, calculating a speed of game play for each of the plurality of predetermined number of plays of the game, the calculated speed of game play being based on a number of plays of the game per unit of time, for each of the predetermined number of plays of the game, generating a slot machine outcome, and causing at least one display device to display a racing object having a position which changes based on the calculated speed of game play.

For at least these reasons, Applicant submits that amended independent Claim 13 is patentably distinguished over Liverance and Seelig and in condition for allowance.

Claims 14 to 16 depend directly from amended independent Claim 13 and are also allowable for the reasons given with respect to amended independent Claim 13, and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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